

REMARKS

Applicants respectively thank the Examiner for noting the allowability of claims 10 through 14, 15 through 18 and 20. See USPTO Office Action, Page 5 (mailed December 28, 2007) [hereinafter Dec. 28th OA].

Claims 1 through 20 remain pending in the application. Claim 15 is hereby amended.

Claims 15 through 18 are objected to because of various informalities. Claim 15 has been amended to correct a typographical error to recite “the digital broadcast content”. Claims 16 through 18 are dependent claims that depend from claim 15. Withdrawal of the objection to claims 15 through 18 is respectively requested in light of the amendment to claim 15.

Claims 1 through 9 and 19 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 4,605,973 (issued Aug. 12, 1986) to Von Kohorn [hereinafter *Von Kohorn*].

With respect to claim 1, *Von Kohorn* cannot disclose **digital** broadcast content as digital video content did not exist at the time the *Von Kohorn* invention was disclosed and filed, particularly March 29, 1985. Further, *Von Kohorn* does not disclose “mobile terminal edited digital broadcast content, based on digital rights management data.” Further, *Von Kohorn* has no disclosure or contemplation of a mobile terminal.

The system of *Von Kohorn* requires a person to sit at a monitor located at a fixed control station, view real time analog broadcast content, and provide a control signal to turn a remote VCR (or television screen) on and off during the broadcast to censor movies that a parent wants censored. See Von Kohorn, col. 2, lines 15-21. In other words, the system of *Von Kohorn* is a manual viewing operation that attempts to automate what a user would have normally done to

bypass or cut out video content for children by controlling the stop and start buttons on a VCR while recording video content. See Von Kohorn, col. 2, lines 10-32. There is no disclosure of recording digital broadcast content and editing digital broadcast content based on digital rights management data in the cited reference as alleged in the office action. If the rejection is maintained, applicants respectfully request a showing as to where the cited reference teaches the claimed subject matter.

Even if sending an “on/off” control signal could be described as “editing,” the *Von Kohorn* system is based upon visual inspection by the fixed control station operator only and is not “based on digital rights management data” as required by the language of claim 1. *Von Kohorn* does not teach or suggest “editing . . . based on digital rights management data.”

For example, per the *Von Kohorn* disclosure, the person at the control station, or a person operating the VCR directly, may “edit” (i.e. switch a VCR on and off) the analog broadcast content at their discretion with free rein and without any concern about “digital rights” or “digital rights management data.”

Further, with respect to controlling a television receiver, the *Von Kohorn* system causes a blank display screen which is unacceptable for the instant claims. See Von Kohorn, col. 2, lines 64-67, (“cut-out circuitry which can be included within the television set so as to permit the blanking of the television set from the view of children during the broadcast of undesirable subject matter”).

Further, *Von Kohorn* adds a broadcast delay that is unacceptable and unnecessary with respect to the instant claims. See Von Kohorn, col. 2, lines 51-55. (“a delay unit would delay

presentation of the program on the home receiver to provide time for monitoring personnel to view the material before the material is presented to a home viewer”).

Addressing the specific language of the rejection of claim 1, the Examiner argues that “Von Kohorn discloses a remote recording and editing system in Figure 1, the television receiver 24 of the receiving station 26 receives television broadcast programs from a television transmitter 22; a recorder 30 of the receiving station 26 records a selective broadcast program from the television programs; and an editing circuit within the receiving station 26 or from a central station 32 edits the selective broadcast program to produce an edited broadcast program, based on, for example, programs that the television receiver 24 might otherwise be viewed by the children, against the wishes of the parent.” See Dec. 28 OA, page 3, ¶ 5.

The Examiner cites *Von Kohorn*, col. 3, lines 31-65 and col. 4, lines 21-45 in support of the rejection of claim 1, however, *Von Kohorn* does not disclose or describe “receiving the digital broadcast content by a mobile terminal.” *Von Kohorn* discloses an analog broadcast system and a fixed receiver. Further *Von Kohorn* does not disclose or describe “editing, through the mobile terminal, the selected digital broadcast content to produce mobile terminal edited digital broadcast content, based on digital rights management data.” Firstly, the fixed central station in *Von Kohorn* does not produce an edited broadcast program as stated in the Office Action, “a central station 32 edits the selective broadcast program to produce an edited broadcast program.” Rather *Von Kohorn* states that, “an editing signal is transmitted jointly with the broadcast of a program *to be edited*.” See Von Kohorn, col. 3, lines 24-25 (“FIGS. 1 and 2 wherein an editing signal is transmitted jointly . . .”).

Secondly, there is clearly no “mobile terminal” within the *Von Kohorn* disclosure. Two or three fixed position devices are required by *Von Kohorn* to accomplish the “editing,” the

“central station , 32” in FIG. 1, and the “receiving station, 26” which includes the television 24 and the recorder 30. The television 24 which provides the display is a physically separate device from the recorder 30 in Von Kohorn FIG. 1. Further, Von Kohorn requires other devices such as a separated receiver 44, and defines the “receiving station 26” as a “residence.” See Von Kohorn, col. 3, lines 30 –45.

Further, the Examiner argues that “it would have been obvious to one of ordinary skill in the art that *Von Kohorn*’s television receiver 24 and the recorder 30 can be replaced in a mobile terminal, such as an automobile vehicle in order to watch television programs in the automobile vehicle.” See Dec. 28 OA, pages 3 and 4.

However, the Applicants fail to comprehend how an automobile would be a “mobile terminal” as understood by one of ordinary skill. The Applicants respectfully request a reference that supports this conclusion by the Examiner.

Because Von Kohorn does not teach what is alleged, a *prima facie* case has not been established. Further, there is no motivation to combine the disclosure of *Von Kohorn* with an automobile in order to have the automobile receive the on/off signals disclosed in the cited reference because the Applicants’ claim is concerned with a mobile terminal that records digital broadcast content and edit digital broadcast content based on digital rights management data. Therefore, the Examiners assertion of motivation to combine the disclosure of *Von Kohorn* with an automobile vehicle is irrelevant to the Applicants’ claim 1.

Regarding claims 2 and 9, the Examiner stated that “it is obvious to a person skill [sic] in the rat [sic], that after recording the edited television program, that can be distributed to other

mobile terminals or peer mobile terminals using a wireless transmitter, such as, by the television transmitter 22.” See Dec. 28 OA, page 4.

This argument ignores the language of claim 2 and also claim 1 from which claim 2 depends. Claim 2 recites the feature of *inter alia* “distributing the mobile terminal edited digital broadcast content to a plurality of other mobile terminals using a wireless transmitter of the mobile terminal, based on the digital rights management data.” The television transmitter 22 of *Von Kohorn* is a television broadcast transmitter “for the broadcasting of television programs.” See Von Kohorn, col. 3, lines 47-50. *Von Kohorn* has no disclosure of a mobile terminal having wireless transmitter and being capable of distributing mobile terminal edited digital broadcast content based on digital rights management data. Likewise with respect to claim 9, *Von Kohorn* has no disclosure of “sending the edited selected digital broadcast the content to a plurality of peer mobile terminals.” Regarding the remaining dependent claims 3 through 8, which add additional novel and nonobvious subject matter, these claims depend from claim 1 and include all features of claim 1. Therefore, these claims are allowable at least for the reasons provided above with respect to claim 1.

In addition to the rejection ignoring the language of claim 2, the Examiner’s statement of obviousness is an improper conclusory statement. The Examiner has shown no evidence addressing the alleged obviousness of the claims. Specifically the Examiner has shown no evidence regarding the obviousness of claim 2 language which recites *inter alia* “distributing the mobile terminal edited digital broadcast content to the plurality of other mobile terminals using a wireless transmitter of the mobile terminal, based on the digital rights management data.”.

Regarding claims 5 and 6, the asserted rejection ignores the language of the claims. The Examiner argued that “it is also well known to a person skill in the art that a provider, for

example, a satellite or cable provider provides television programs, such as, a movie program recorded by the recorder in order for the provide to generate billing information correspond [sic] to the recorder's television program information." See Dec. 28 OA, page 4. Claim 5 recites *inter alia* "receiving, by the network element, . . . billing information corresponding to an amount of digital broadcast content recorded by the mobile terminal." *Von Kohorn* does not teach billing based on an amount of digital broadcast content. In fact, *Von Kohorn* has no mention of billing whatsoever and certainly not billing based on an amount of digital content." Claim 6 provides *inter alia* that "wherein generating the billing information is based on determining how many additional mobile terminals received the mobile terminal edited digital broadcast content from the mobile terminal." *Von Kohorn*, in addition to having no disclosure of a mobile terminal, also does not disclose a mobile terminal being able to provide content to additional terminals. Therefore the rejection ignores the language of claims 5 and 6, and claims 5 and 6 are therefore in condition for allowance.

Regarding claim 19, the Examiner argued that "a command signal generator 36 of the central station 32 wirelessly sending broadcast commands to the receiver station 26 through a base station 38; the receiving station 26 receiving the broadcast commands; and editing received television programs from the television transmitter 22 based on the received broadcast commands." See Dec. 28 OA, page 4. The Examiner further states that "[a]lthough *Von Kohorn* does not exclusively show or suggest that a central station 32 can be used in a mobile terminal, it is very common and well known to a person skill [sic] in the art to use a mobile terminal to transmit broadcast commands to other landline or wireless terminals when two terminals are moving objects." See Dec. 28 OA, pages 4 and 5. The Examiner argues that "it would have been obvious to one of ordinary skill in the art that *Von Kohorn*'s central station 32 can be

replaced in a mobile terminal, such as, an automobile vehicle in order to better provide commands to other moving stations.” These argument has several deficiencies.

Firstly, these arguments ignore the features recited by claim 19, for example, “wirelessly sending at least one of digital broadcast content capture commands and editing commands by a mobile terminal.” According to *Von Kohorn*, there is no content capture command of any type transmitted by the television set or VCR recorder to the central station 32. “In accordance with the invention, the system 20 provides for the recording and editing of the broadcast programs to be accomplished by a person located at a central station 32, under instructions from the parent or viewer.” See *Von Kohorn*, col. 4, lines 25-29. The censoring of video transmission in the system of *Von Kohorn* is accomplished therefore by a user on the broadcast side taking specific action with respect to the broadcast. *Von Kohorn* does not disclose any command being transmitted by a mobile terminal the television set in a car, as argued by the Examiner and in fact only sends commands from the central station 32 to the television set or recorder.

Further, it is questionable that the central station 32 as shown in Figure 2 of *Von Kohorn*, could have been contemplated by *Von Kohorn*, or anyone else of ordinary skill in the art, to incorporate into a mobile station for the purpose of broadcasting commands to wireless terminals. Further, claim 19 is not disclosing this, but rather is disclosing, “wirelessly sending at least one of digital broadcast content capture commands and editing commands by a mobile terminal.” Claim 19 further recites, “capturing or editing, by a network element, received digital broadcast content based on the received content capture commands or editing commands.”

As discussed previously, *Von Kohorn* has no disclosure of commands generated by the television set or video recorder and sending those command signals to the central station 32. Further as previously discussed, *Von Kohorn* has no contemplation or disclosure of digital

broadcast content. Rather, *Von Kohorn*, which was disclosed on March 29, 1985, discloses an analog broadcast television system. For example, *Von Kohorn* states that “the television receiver 24 receives the broadcast signal of the antenna 28.” “The signal is first processed by the tuner 118 followed by the separation of the audio and video components of the circuitry 120 as is well known.” See *Von Kohorn*, col. 9, lines 51-55.

Von Kohorn fails as a reference to establish a *prima facie* case under 35 U.S.C. § 103 because it fails to disclose the features of Applicants claims as alleged. Further, there is no motivation to combine *Von Kohorn* with an automobile as suggested by the examiner because this does not achieve the features recited by Applicants’ claims. For example, such a combination would not result in the features recited by claim 1, specifically, “receiving the digital broadcast content by a mobile terminal; recording selected digital broadcast content from the received digital broadcast content; and editing, through the mobile terminal, the selected digital broadcast content to produce mobile terminal edited digital broadcast content, based on digital rights, management data.” As mentioned above, *Von Kohorn* has no disclosure of digital broadcast content or of editing as would be understood by one of ordinary skill with respect to digital broadcast content. Therefore, claims 1 through 9 and 19 are in condition for allowance.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant(s) has/have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Dated: March 28, 2008

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